

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

KIMBERLY NELSON

Plaintiff(s),

v.

CITY OF CHICAGO POLICE DEPT.

SERGEANTS BOFFO, STAR #1622, BUCKI  
STAR #2465, TURRISE STAR # AND  
LIEUTENANT GLEN WHITE AND OEMC  
Defendant(s). DISPATCHERS

17CV5740  
JUDGE WOOD  
MAG. JUDGE SCHENKIER

**FILED**

AUG -7 2017

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is KIMBERLY NELSON of the  
county of COOK in the state of ILLINOIS.

3. The defendant is CITY OF CHICAGO POLICE DEPARTMENT, whose  
street address is 3510 S. MICHIGAN AVE,  
(city) CHICAGO (county) COOK (state) IL (ZIP) 60653  
(Defendant's telephone number) (312) - 745-5103

4. The plaintiff sought employment or was employed by the defendant at (street address)

3510 S. MICHIGAN AVE (city) CHICAGO  
(county) COOK (state) IL (ZIP code) 60653

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☒ was hired and is still employed by the defendant.
- (c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) DECEMBER, (day) 8, (year) 2016.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

- (a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☒ has ☐ has not filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) MAY (day) 11 (year) 2017.
- (ii) ☒ the Illinois Department of Human Rights, on or about (month) JULY (day) 14 (year) 2017.

- (b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ Yes, ☒ No, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the

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defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) \_\_\_\_\_  
(day) \_\_\_\_\_ (year) \_\_\_\_\_.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ Yes ☐ No, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ Yes ☐ No, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not  
issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued  
a *Notice of Right to Sue*, which was received by the plaintiff on  
(month) MAY (day) 11 (year) 2017 a copy of which  
*Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [**check only  
those that apply**]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [**check only those that apply**]
- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): ENGAGED IN MALICIOUS MISCONDUCT TREATING PLAINTIFF DIFFERENTLY THAN OTHER EMPLOYEES AS THEY IGNORED PLAINTIFF'S EMERGENCY CALLS AND OTHER CALLS TO DISPATCHERS.
- [If you need additional space for ANY section, please attach an additional sheet and reference that section.]



[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

(i) ALTERED PLAINTIFF'S SWORN CASE REPORT UNDER PLAINTIFF'S NAME AND BADGE NUMBER.

(j) FAILED <sup>ON</sup> 3 OR MORE SEPARATE OCCURRENCES TO INVESTIGATE RADIO TRANSMISSIONS

(k) SUBJECTED PLAINTIFF TO PSYCHOLOGICAL EVALUATION, ETC., WITHOUT INVESTIGATING PLAINTIFF'S CLAIMS

(L) PRESENTED ALTERED RADIO TRANSMISSION RECORDING AS AUTHENTIC AND TRUE TO SUPPORT ALTERED GENERAL CASE REPORT UNDER PLAINTIFF'S NAME AND BADGE.

(M) FAILED TO ACT IN SERIOUSNESS EQUAL TO PLAINTIFF'S CLAIMS

13. The facts supporting the plaintiff's claim of discrimination are as follows:

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14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ Yes ☐ No

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff **[check only those that apply]**

(a) ☐ Direct the defendant to hire the plaintiff.

(b) ☐ Direct the defendant to re-employ the plaintiff.

(c) ☐ Direct the defendant to promote the plaintiff.

(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.

(e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

(f) ☒ Direct the defendant to (specify): PAY ACCRUED SALARY TO 25 YEARS AND A


DAY (THE TIME PLAINTIFF COULD HAVE WORKED) WITH PENSION, BENEFITS AND COMPENSATION

FOR MENTAL/EMOTION INJURY, SUBJECTION TO ABUSE, MEDICAL BILLS, CREATING HOSTILE WORK ENVIRONMENT,

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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- (g) ☐ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☐ Grant such other relief as the Court may find appropriate.

  
(Plaintiff's signature)

KIMBERLY NELSON  
(Plaintiff's name)

8054 S. SPAULDING AVE  
(Plaintiff's street address)

(City) CHICAGO (State) IL (ZIP) 60652

(Plaintiff's telephone number) (773)- 981-5850

Date: AUGUST 7, 2017

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

## **FILING SUIT IN COURT OF COMPETENT JURISDICTION**

### **PRIVATE SUIT RIGHTS**

The issuance of this *Notice of Right to Sue* or *Dismissal and Notice of Rights* ends the EEOC process with respect to your Charge. You may file a lawsuit against the Respondent within 90 days from the date you receive this Notice. Therefore, you should keep a record of the date. Once the 90 day period is over, your right to sue is lost. If you intend to consult an attorney, you should do so as soon as possible. Furthermore, in order to avoid any question that you did not act in a timely manner, if you intend to sue on your own behalf, your suit should be filed well in advance of the expiration of the 90 day period.

You may file your lawsuit in a court of competent jurisdiction. Filing this Notice is not sufficient. A court complaint must contain a short Statement of the facts of your case which shows that you are entitled to relief. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the Respondent has its main office.

You may contact the EEOC if you have any questions about your rights, including advice on which court can hear your case, or if you need to inspect and copy information contained in the case file.

**IF THE FIRST THREE CHARACTERS OF YOUR EEOC CHARGE NUMBER ARE "21B" AND YOUR CHARGE WAS INVESTIGATED BY THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS (IDHR), REQUEST FOR REVIEWING AND COPYING DOCUMENTS FROM YOUR FILE MUST BE DIRECTED TO IDHR.**

A lawsuit against a private employer is generally filed in the U.S. District Court.

A lawsuit under Title VII of the Civil Rights Act of 1964, as amended, against a State agency or a political subdivision of the State is also generally filed in the U.S. District Court.

However, a lawsuit under the Age Discrimination in Employment of the American with Disabilities Act or, probably, the Equal Pay Act against a State instrumentality (an agency directly funded and controlled by the State) can only be filed in a State court.

A lawsuit under the Age Discrimination in Employment Act or the American with Disabilities Act or the Equal Pay Act against a political subdivision of a State, such as municipalities and counties, may be filed in the U.S. District Court.

For a list of the U.S. District Courts, please see the reverse side.

### **ATTORNEY REPRESENTATION**

If you cannot afford an attorney, or have been unable to obtain an attorney to represent you, the court having jurisdiction in your case may assist you in obtaining a lawyer. If you plan to ask the court to help you obtain a lawyer, you must make this request of the court in the form and manner it requires. Your request to the court should be made well in advance of the 90 day period mentioned above. A request for representation does not relieve you of the obligation to file a lawsuit within the 90-day period.

### **DESTRUCTION OF FILE**

If you file suit, you or your attorney should forward a copy of your court complaint to this office. Your file will then be preserved. Unless you have notified us that you have filed suit, your Charge file could be destroyed as early as six months after the date of the Notice of Right to Sue.

**IF YOU FILE SUIT, YOU OR YOUR ATTORNEY SHOULD NOTIFY THIS OFFICE WHEN THE LAWSUIT IS RESOLVED.**



## INFORMATION ON WHERE TO FILE SUIT

You have been notified of your right to sue in Federal District Court. Suit is ordinarily filed in the District having jurisdiction of the county in which the employer, against whom you filed a Charge of employment discrimination, is located. The telephone number listed for each District is that of the Clerk of the Court.

<b>U.S. DISTRICT COURT</b> Northern District of Illinois <b>Eastern Division at Chicago</b> 219 South Dearborn Street Chicago, IL 60604 312-435-5670		<b>U.S. DISTRICT COURT</b> Central District of Illinois <b>Urbana Division</b> 201 South Vine Urbana, IL 61801 217-373-5830	
<b>Counties</b>		<b>Counties</b>	
Cook	Kendall	Champaign	Kankakee
DuPage	Lake	Coles	Macon
Grundey	LaSalle	Douglas	Moultrie
Kane	Will	Edgar	Piatt
		Ford	Vermillion
		Iroquois	
<b>U.S. DISTRICT COURT</b> Northern District of Illinois <b>Western Division at Rockford</b> 211 South Court Street Federal Building Rockford, IL 61101 815-987-4355		<b>Peoria Division</b> 100 N.E. Monroe Street 135 Federal Building Peoria, IL 61602 309-671-7117	
<b>Counties</b>		<b>Counties</b>	
Boone	McHenry	Bureau	McLean
Carroll	Ogle	Fulton	Peoria
DeKalb	Stephenson	Hancock	Putnam
JoDaviess	Whiteside	Knox	Stark
Lee	Winnebago	Livingston	Tazewell
		Marshall	Woodford
		McDonough	
<b>U.S. DISTRICT COURT</b> Southern District of Illinois 750 Missouri Avenue East St. Louis, IL 62201 618-482-0671  <i>and</i> 301 Main Street Benton, IL 62812 618-438-0671		<b>Rock Island Division</b> 211 19 <sup>th</sup> Street Rock Island, IL 61201 309-793-5778	
<b>Counties</b>		<b>Counties</b>	
Alexander	Johnson	Henderson	Rock Island
Bond	Lawrence	Henry	Warren
Calhoun	Madison	Mercer	
Clark	Marion	<b>Springfield Division</b> 600 East Monroe Street Springfield, IL 62701 217-492-4020	
Clinton	Monroe		
Crawford	Perry		
Cumberland	Pope		
Edwards	Pulaski	<b>Counties</b>	
Effingham	Randolph		
Fayette	Richland		
Franklin	St. Clair		
Gallatin	Saline		
Hamilton	Union		
Hardin	Wabash		
Jackson	Washington		
Jasper	Wayne		
Jefferson	White		
Jersey	Williamson		



EEOC Form 5 (11/02)

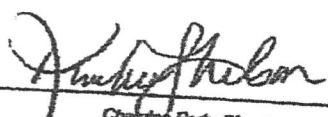
<b>CHARGE OF DISCRIMINATION</b>		Charge Presented To:	Agency(ies) Charge No(s):
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA	
		<input checked="" type="checkbox"/> EEOC	440-2017-03101
Illinois Department Of Human Rights			and EEOC
State or local Agency, if any			

Name (Indicate Mr., Mrs., Ms.)		Home Phone (incl. Area Code)	Date of Birth
Mrs. Kimberly Nelson		(773) 981-5850	1969
Street Address		City, State and ZIP Code	
8054 S Spaulding Ave, Chicago, IL 60652			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name		No. Employees, Members	Phone No. (include Area Code)
CHICAGO POLICE DEPARTMENT		500 or More	(312) 744-4000
Street Address		City, State and ZIP Code	
3510 South Michigan Avenue, Chicago, IL 60653			
Name		No. Employees, Members	Phone No. (include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest Latest 12-08-2016	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).		<input type="checkbox"/> CONTINUING ACTION	

RECEIVED EEOC

MAY 03 2017

CHICAGO DISTRICT OFFICE

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Agency Requirements)
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
Apr 27, 2017		SIGNATURE OF COMPLAINANT
 Date _____ Charging Party Signature _____		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

EEOC Form 5 (11/03)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

440-2017-03101

Illinois Department Of Human Rights

State or local Agency, if any

and EEOC

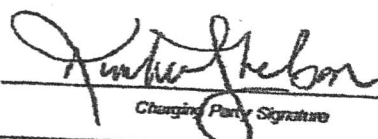
I began my employment with Respondent on or about July 29, 2002. My most recent position is Police Officer. During my employment with Respondent, I was subjected to harassment and different terms and conditions of employment, including but not limited to, not getting me backup or fast response during an emergency situation and a claim not being established by my incident.

I believe I have discriminated against because of my sex, female and my race, Black, in violation of the Title VII of the Civil Act of 1964, as amended.

RECEIVED EEOC

MAY 02 2017

CHICAGO DISTRICT OFFICE

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY — When necessary for State and Local Agency Requirements</p>
<p>I declare under penalty of perjury that the above is true and correct.</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT</p>
<p>Apr 27, 2017</p> <p>Date</p> <p></p> <p>Charging Party Signature</p>	<p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Kimberly Nelson**  
**8054 S Spaulding Ave**  
**Chicago, IL 60652**

From: **Chicago District Office**  
**500 West Madison St**  
**Suite 2000**  
**Chicago, IL 60661**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

440-2017-03101

**Irma Quintero-Bueno,**  
**Investigator**

(312) 869-8059

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

*Julianne Bowman*  
**Julianne Bowman,**  
**District Director**

*5/11/17*  
 (Date Mailed)

cc:

## CHICAGO POLICE DEPARTMENT

**Eileen Geary, Esq.**  
**Chief Assist. Corporation Counsel**  
**CITY OF CHICAGO DEPT OF LAW**  
**30 North LaSalle Street-Rm 1040**  
**Chicago, IL 60602**